

Message Text

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ACTION L-03

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P 261401Z OCT 76
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 6446

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E.O. 11652: N/A
TAGS: PFOR, CPRS, FR
SUBJECT: EXTRADITION - GEORGE BROWN ET AL

REF: PARIS 30774

1. FOLLOWING IS DETAILED ACCOUNT OF EXTRADITION HEARING OCT. 18 WHICH WAS SUMMARIZED IN REFTEL: PRESIDENT CHAMBRE D'ACCUSATION BEGAN BY BRIEFLY DISCUSSING CONTENTS OF WRITTEN DECLARATION FOUR ACCUSED HAD PRESENTED TO COURT. THEY DID NOT CONTEST FACT OF HIJACKING AND DID NOT DENY THEIR PARTICIPATION. THEY REGRETTED ACT COMMITTED TO FURTHER BLACK PANTHER CAUSE BUT WHICH HAD COMETONAUGHT. THEY ASKED COURT NOT TO RETURN THEM TO USA IN VIEW OF POLITICAL MOTIVES OF THEIR ACT.

2. PRESIDENT ASKED THEM TO EXPLAIN WHY THEY HIJACKED AIRCRAFT. MELVIN MCNAIR REPLIED THAT, BORN IN SOUTH, HE HAD SUFFERED RACIAL DISCRIMINATION. HE AGAIN ENCOUNTERED RACISM IN ARMED FORCES AND HAD REFUSED TO FIGHT IN VIETNAM AND HAD GONE INTO HIDING. HE MET BROWN AT WORK, AND THEY CONCEIVED IDEA OF HIJACKING AFTER INCIDENT IN DETROIT WHEN BROWN WAS CHALLENGED AND WOUNDED BY POLICE AND ACCUSED OF THEFT BUT RELEASED BY JUDGE. WHEN PRESIDENT ASKED IF THEY COULD NOT HAVE DONE OTHERWISE THAN HIJACK AIRCRAFT, MCNAIR REPLIED, "WE WISHED TO DO SOMETHING TO AID OUR MOVEMENT, AND HIJACKING SEEMED TO US TO BE GOOD WAY."

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3. PRESIDENT COMMENTED AMERICAN AUTHORITIES STATED NONE

OF FOUR WAS KNOWN TO BELONG TO POLITICAL ORGANIZATION. MRS. MCNAIR SAID ALL HAD ENGAGED IN POLITICAL ACTIVITY. ASKED IF SHE WAS MEMBER BLACK PANTHERS, SHE SAID NO, THAT IT WAS DIFFICULT TO BECOME MEMBER. ASKED IF SHE HAD BECOME INVOLVED WITH BLACK PANTHERS IN ALGERIA, SHE REPLIED IN NEGATIVE. PRESIDENT THEN ASKED TILLERSON IF SHE HAD ENGAGED IN GROUP POLITICAL ACTIVITIES. SHE SAID NO, BUT THAT SHE AND OTHER HIJACKERS WERE SYMPATHIZERS WITH SOLDIERS WHO PROTESTED GOING TO VIETNAM AND THAT ONLY BLACKS WERE BEING SENT TO VIETNAM. BROWN SAID HE HAD TALKED ON TELEVISION ABOUT GHETTO CONDITIONS UNDER FALSE NAME. FURTHER QUESTIONS BY PRESIDENT ELICITED RESPONSES THAT WRIGHT WAS GROUP MEMBER WHO HAD MADE DEMANDS VIA AIRCRAFT RADIO THAT THEY BE GIVEN ONE MILLION DOLLARS AND TAKEN TO ALGERIA. WRIGHT ALSO SAID TO HAVE STATED ON RADIO THAT HIJACKERS WERE BLACK REVOLUTIONARIES. TILLERSON SAID GROUP WAS AGAINST RACISM AND VIETNAM AND THEIR CAUSE WAS JUST. ASKED IF GROUP HAD BEEN WELCOMED TO ALGIERS BY BLACK PANTHERS, TILLERSON SAID YES.

4. AVOCAT GENERAL DE SABLET ASKED ABOUT GROUP'S WEAPONS. ANSWER WAS THAT THREE MEN HAD WEAPONS AND THAT THEY HAD NOT BEEN SEARCHED BEFORE BOARDING PLANE IN DETROIT. ASKED HOW LONG THEY HAD STAYED IN ALGIERS, MCNAIR SAID EIGHT TO TEN MONTHS. ASKED WHY THEY CHOSE TO COME TO FRANCE, MCNAIR SAID SITUATION CHANGED IN ALGERIA, AND THEY RISKED BEING OBLIGED TO RETURN TO UNITED STATES. NOTING THEY HAD BEEN IN FRANCE OVER TWO YEARS, AVOCAT GENERAL ASKED IF THEY HAD REQUESTED POLITICAL ASYLUM. MCNAIR SAID NO, BUT DEFENSE ATTORNEY DE FELICE INTERVENED TO SAY THEY HAD REQUESTED AUTHORIZATION TO STAY IN FRANCE WITHOUT ASKING FOR POLITICAL ASYLUM BUT THAT DOSSIER WAS PREPARED FOR SUCH REQUEST.

5. AVOCAT GENERAL THEN TOOK FLOOR. SUMMARIZING EVENTS OF HIJACKING, HE OBSERVED THAT HIJACKERS HAD THREATENED CREW. HE COMMENTED THAT ALTHOUGH PASSENGERS WERE RELEASED UNHARMED, PASSENGERS WERE AWARE THAT SITUATION WAS NO LAUGHING MATTER. HE REVIEWED FACTS OF CASE, LIMITED OFFICIAL USE

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CONCLUDING ACT WAS CRIMINAL MATTER UNDER LAWS OF BOTH COUNTRIES, STATUTE OF LIMITATIONS HAD NOT EXPIRED IN EITHER COUNTRY, AND ACCUSED DID NOT DENY ACT. EXAMINING DEFENSE POSITION, AVOCAT GENERAL DISMISSED PETITIONS ON BEHALF OF HIJACKERS (PARIS 25050) AS MOTIVATED BY IDEALISM BUT LACKING KNOWLEDGE OF FACTS OF CASE. AS FOR HIJACKERS' OWN DECLARATION AND TESTIMONY, HE FOUND WHAT THEY SAID ABOUT BLACK PROBLEMS TO BE MOVING, INTERESTING

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AND WELL KNOWN (PARFAITEMENT CONNU) BUT NOT SUFFICIENT TO
ESTABLISH POLITICAL MOTIVE. HE ADDED THAT DEFENSE
DOCUMENTATRN WAS OF LITTLE VALUE.

6. REFERRING TO HOLDER-KERKOW CASE, AVOCAT GENERAL SAID
"I AM OBLIGED TO SPEAK OF PREVIOUS HIJACKING HEARING
WHERE I TOOK POSITION THAT FACTS OF CASE HAD LED ME TO
ASK FOR UNFAVORABLE OPINION ON U.S. REQUEST." AVOCAT
GENERAL SAID BOTH CASES HAD COMMON ELEMENTS IN THAT NO-
ONE WAS HURT AND RANSOM WAS RETURNED TO USA, BUT THAT
TWO SITUATIONS VERY DIFFERENT. HOLDER, WOUNDED
DECORATED VETERAN SUFFERING ILL HEALTH AS CONSEQUENCE,
HAD CONVINCING DOSSIER, INCLUDING TESTIMONY HOLDER HAD
DEMANDED RELEASE OF ANGELA DAVIS. ALSO, ALGERIA
ACCORDED HOLDER-KERKOW ASYLUM FROM BEGINNING, AND THEY
HAD EXTENDED CONTACTS WITH BLACK PANTHERS IN ALGIERS.
THEREFORE, THEIR POLITICAL MOTIVATION WAS SUFFICIENTLY
ESTABLISHED.

7. AVOCAT GENERAL COMPARED KERKOW-HOLDER WITH FOUR
HIJACKERS AND FOUND LATTERS' CASE WEAK. MCNAIR HAVING
DESERTED ONLY YEAR AFTER ENLISTMENT AND WITHOUT HAVING
BEEN TO VIETNAM HAD WEAK CLAIM TO POLITICAL MOTIVE.
BROWN CONVICTED OF ARMED ROBBERY ANDESCAPED FROM
PRISON. WRIGHT, WHO WAS NOT ARRESTED WITH OTHERS, CON-

VICTED OF MURDER OF GAS STATION ATTENDANT WITH PENALTY
OF 15-30 YEARS PRISON AND HAD ESCAPED FROM PRISON. TWO
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WOMEN HAD FOLLOWED HUSBANDS.

8. RE U.S. DOCUMENTS, AVOCAT GENERAL FOUND U.S. GOV'T
"DISCREET" ON POLITICAL PAST OF FOUR ACCUSED, BUT THERE
WAS NO REASON TO BELIEVE U.S. DECLARATIONS FALSE. HE
SAID PEOPLE CAN HAVE POLITICAL BELIEFS WITHOUT BEING
MILITANT AND THAT IN CASE OF FOUR HIJACKERS, THERE WAS
NO EVIDENCE THEY WERE BEING PERSECUTED FOR POLITICAL
ACTIVITIES. RE WELCOME OF FOUR HIJACKERS IN ALGIERS,
AVOCAT GENERAL NOTED ON AUGUST 19, 1972 AN OFFICIAL
ORGAN OF ALGERIAN GOVERNMENT HAD DECLARED THAT ALGERIA,
A COUNTRY OF POLITICAL REFUSE, NONETHELESS SHOULD NOT BE
SULLIED BY IMPURITIES AND IS NOT A COUNTRY OF GANGSTERS.
AVOCAT GENERAL CONCLUDED THERE WAS DIFFERENCE IN WELCOME
ACCORDED HOLDER-KERKOW AND THAT GIVEN FOUR HIJACKERS
TWO MONTHS LATER WHEN BLACK PANTHERS IN ALGERIA WERE
HAVING DIFFICULTIES AND BREAKING UP.

9. AVOCAT GENERAL SUGGESTED HOLDER-KERKOW HIJACKING,
WITH ITS POLITICAL MOTIVATION AND WELCOME IN ALGIERS
BY BLCK PANTHERS, MAY HAVE INFLUENCED FOUR HIJACKERS.
HE ADDED, HOWEVER, "NOTHING IN THISE CASE ALLOWS US TO
SAY THAT POLITICAL MOTIVES INSPIRED THEM. SUMMING UP,
AVOCAT GENERAL REFERRED TO UNITED STATES AS GREAT DEMO-
CRACY WITH WHOM FRANCE HAD EXTRADITION CONVENTION.
ALTHOUGH CHAMBRE HAD ALWAYS BEEN LIBERAL IN ACKNOWLEDG-
ING POLITICAL MOTIVATION, THIS WAS NOT THAT KIND OF CASE,
AND AVOCAT GENERAL ASKED FOR FAVORABLE OPINION, SAYING
HONOR OF FRANCE REQUIRED THAT EXTRADITION CONVENTION WITH
U.S.A. BE RESPECTED.

10. FOUR OF SIX DEFENSE ATTORNEYS IN COURT SPOKE FOR
TOTAL OF ABOUT TWO HOURS. DE FELICE BEGAN, PRESENTING
CLIENTS AS "SYMBOLS OF REPRESSION" WHO ACTED FOR
POLITICAL REASONS WITH NO PERSONAL INTEREST OR VENGEANCE
IN MIND. HE CITED REALITY OF SEGRETATION IN U.S.A., OF
POLICE BRUTALITY IN ATTACK ON BROWN, OF REVOLT OF BLACK
COMMUNITY AND OF ARTICLE 14 OF UNIVERSAL DECLARATION OF
RIGHTS OF MAN WHICH GAVE SACRED RIGHT TO MAN TO STRUGGLE
AGAINST DENIAL OF RIGHTS. IN U.S.A. THERE IS VIOLENCE
ANDBLOOD; IN FRANCE REFUGEES ARE WELCOMED AS HAD BEEN
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GOODLY NUMBER OF U.S. DESERTERS FROM VIETNAM WAR.
DE FELICE REFERRED TO FRENCH LAW OF 1927 AND EXTRADITION
CONVENTION WHICH TOOK ACCOUNT OF POLITICAL CASES.
EVERYTHING ABOUT THIS CASE IS POLITICAL: RACISM, RE-
PRESSION AND GHETTOS, ALL AMPLY ATTESTED TO BY WHITE
AMERICANS. U.S. GOVERNMENT HAS ERASED EVERYTHING WHICH
SHOWS POLITICAL MOTIVATION IN THIS CASE, THUS SEEKING TO
CHEAT JUSTICE. HE CONCLUDED WITH APPEAL TO COURT TO
REFUSE EXTRADITION ON BASIS OF ABSENCE OF PERSONAL IN-
TEREST AND SPIRIT OF VENGEANCE OF HIJACKERS, THEIR
IDEALISM AND THEIR STRUGGLE TO SURVIVE.

11. SECOND SPEAKER, RAYMOND FORNI, SOCIALIST DEPUTY
FROM BELFORT, ATTACKED FBI FOR HIDING EVIDENCE OF
POLITICAL ACTIVITY OF DEFENDANTS. FORNI SUGGESTED U.S.
DOCUMENTS INCOMPLETE AND SAID HE WAS "SHOCKED" BY U.S.

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ATTITUDE IN THIS CASE. HE HAS BEEN TO USA SEVERAL
TIMES, AND "IF YOU ONLY KNEW HOW THEY DESPITE (MEPRI-
SER) EUROPEAN COUNTRIES OVER THERE." FORNI LISTED
SIMILARITIES BETWEEN HOLDER-KERKOW AND BROWN ET AL HI-
JACKINGS: PASSENGERS UNHARMED, FRIENDLY WELCOME AT
ALGIERS, MONEY RETURNED. MCNAIR DESERTION AND HIJACKING
PLANE WERE BY DEFINITION POLITICAL ACTS. HE ALSO STATED
PENALTIES LEVIED BY COURTS AGAIN: "BLACKS IN USA ARE

MORE SEVERE THAN AGAINST WHITES, PAID TRIBUTE TO HEROISM OF VIETNAMESE PEOPLE IN FIGHT AGAINST US IMPERIALISM, CONDEMNED "ODIOUS DISCRIMINATION" AGAINST BLACKS IN USA AND, APPEALING TO FRENCH TRADITION OF WELCOME TO REFUGEES, ASKED THAT ACCUSED BE TRIED IN FRANCE.

12. THIRD ATTORNEY WAS YOUNG BLACK WOMAN, WHOSE NAME MAY HAVE BEEN "PONE", REPRESENTING "LE MOUVEMENT CONTRE LE RACISM, L'ANTI-SEMITISME ET POUR LA PAIX" (MRAP). SHE SPOKE ON DEPRESSED SITUATION OF BLACKS IN USA. ALLUDING TO SLAVERY AND REVOLT OF BLACKS, SHE SAID, "WHEN ONE IS DESPERATE, ONE COMMITS DESPERATE ACTS." CONCLUDING, SHE CHARACTERIZED HIJACKING AS ACT OF RESISTANCE TO OPPRESSION AND THUS POLITICAL ACT.

13. FOURTH ATTORNEY, PAUL LANGEVIN, REPRESENTING COMMUNIST PARTY, SAID U.S. GOVERNMENT REQUEST HAD BEEN MADE LIGHTLY AND SCORNFULLY IN FACE OF ALL EVIDENCE THAT HIJACKING WAS POLITICAL ACT. IN ABSENCE OF FORMAL PROOF LIMITED OFFICIAL USE

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TO BACK UP REQUEST, LANGEVIN SAID U.S. GOVERNMENT HAD EXERTED PRESSURE ON FRENCH FOREIGN MINISTRY TO DELIVER FOUR HIJACKERS. POLITICAL MOVEMENTS ARE BORN FROM CIRCUMSTANCES. TO BE BLACK IN U.S.A. IS ALREADY A POLITICAL ENGAGEMENT. LANGEVIN GRANTED THAT HIJACKING IS GRAVE MATTER IN EYES OF FRENCH PUBLIC OPINION, BUT HIS CLIENTS HAD FULL CONFIDENCE IN FRENCH JUSTICE. HE REITERATED SIMILARITIES BETWEEN HOLDER-KERKOW AND BROWN ET AL HIJACKINGS, PARTICULARLY RANSOM MONEY WHICH, ACCORDING TO U.S. NEWSPAPERS OF AUGUST 1, 1972, WAS DECLARED BY HIJACKERS IN ALGIERS PRESS CONFERENCE TO BE DESTINED TO BLACK PANTHER COFFERS. HE ALSO REITERATED GAPS IN U.S. DOCUMENTS, U.S. SCORN FOR REST OF WORLD AND SUGGESTED AMERICANS MEDDLE TOO OFTEN IN FRENCH POLITICS. HE CONCLUDED ON NOTE OF SYMPATHY FOR DESPAIR OF BLACK PEOPLE.

14. COMMENT: DE SABLET'S PERFORMANCE WAS IN SHARP CONTRAST TO HIS POSITION IN HOLDER-KERKOW CASE. WHILE THE RARATIONALE FOR HIS POSITION IN THE INSTANT CASE WAS NOT AS STRONG AS IT MIGHT HAVE BEEN, AT LEAST HE CAME OUT ON OUR SIDE. HIS PRESENTATION WAS PROBABLY AS CLOSE TO ADVOCACY AS WE CAN EXPECT FROM FRENCH AVOCAT GENERAL. VIRULENCE OF DEFENSE ATTACK ON U.S.A. PROBABLY WORKED TO OUR ADVANTAGE, AND WE ARE HOPEFUL, THOUGH LESS THAN CERTAIN, THAT COURT WILL RENDER FAVORABLE OPINION NOVEMBER 15.

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